

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ONEY J. BAKER,

Defendant.

CR 13-10-GF-BMM-JTJ

**FINDINGS AND  
RECOMMENDATIONS**

**I. Synopsis**

Defendant Oney J. Baker (Baker) has been accused of violating the conditions of his supervised release. Baker admitted the alleged violation. Baker's supervised release should be revoked. Baker should be placed in custody for 12 months and 1 day, with no supervised release to follow.

**II. Status**

Baker pleaded guilty to being a Felon in Possession of a Firearm on May 16, 2013. (Doc. 25). The Court sentenced Baker to 67 months of custody, followed by 3 years of supervised release. (Doc. 50). Baker's current term of supervised release began on April 29, 2021. (Doc. 84 at 2).

### **Petition**

The United States Probation Office filed a Petition on September 1, 2021, requesting that the Court revoke Baker's supervised release. (Doc. 84). The Petition alleged that Baker had violated the conditions of his supervised release by failing to reside at the residence approved by his probation officer.

### **Initial appearance**

Baker appeared before the undersigned for his initial appearance on September 21, 2021. Baker was represented by counsel. Baker stated that he had read the petition and that he understood the allegations. Baker waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

### **Revocation hearing**

The Court conducted a revocation hearing on September 21, 2021. Baker admitted that he had violated the conditions of his supervised release by failing to reside at the residence approved by his probation officer. The violation is serious and warrants revocation of Baker's supervised release.

Baker's violation is a Grade C violation. Baker's criminal history category is V. Baker's underlying offense is a Class C felony. Baker could be incarcerated for up to 24 months. Baker could be ordered to remain on supervised release for

up to 19 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 7 to 13 months.

### **III. Analysis**

Baker's supervised release should be revoked. Baker should be incarcerated for 12 months and 1 day, with no supervised release to follow. This sentence is sufficient but not greater than necessary.

### **IV. Conclusion**

The Court informed Baker that the above sentence would be recommended to United States District Judge Brian Morris. The Court also informed Baker of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Baker that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose.

#### **The Court FINDS:**

That Oney J. Baker violated the conditions of his supervised release by failing to reside at the residence approved by his probation officer.

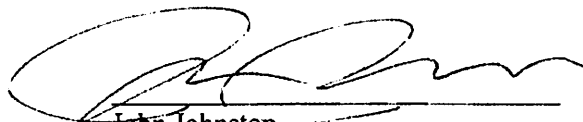
#### **The Court RECOMMENDS:**

That the District Court revoke Baker's supervised release and commit Baker to the custody of the United States Bureau of Prisons for 12 months and 1 day, with no supervised release to follow.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND  
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a district court judge.

DATED this 22nd day of September, 2021.

  
John Johnston  
United States Magistrate Judge